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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/596,855 | 06/27/2006 | Tetsu Hada | 40790 | 1362 |
| 53054 7590 04/17/2008 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108 | | | | |
| EXAMINER EL-ZOOBI, MARIA | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2614 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 04/17/2008 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@peame.com

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Office Action Summary

Application No.

10/596,855

Applicant(s)

HADA ET AL.

Examiner

MARIA EL-ZOOBI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 06/27/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "and installing a common function to a function that an associated...", is not clear because it appears to be a literal translation into English from a foreign language, Examiner will interpret this limitation as best understood.

Also claim 1 recites the limitation "the home terminal" is not clear because it indicates that this terminal has been mentioned before and is being further defined in this limitation, however this home terminal is never being mentioned before

Claim 2 recites the limitation "matching the data of the home terminal and the data of the associated communication terminal" is indefinite and not clear because, this data of the home terminal has not mentioned before, however claim 1 recite generate data to execute the function of the home terminal installs, so it is not clear if the Applicant refers to the same data mentioned in claim 1 or it is a different data that resident in the home terminal. Also claim 2 recites the limitation "and the data of the associated communication terminal" is indefinite and not clear because, this data of the associated communication terminal, has not mentioned before, however claim 1 recites data to execute the function that associated communication terminal, so it is not clear if

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the Applicant refers to the same data mentioned in claim 1 or it is a different data that resident in the associated terminal.

Claim 2 recites the limitation "the analysis result" is indefinite because this analysis result has not mention before, however claim 2 recites an input data analysis unit, but the claim does not recite c that this unit will necessarily generate this mentioned analysis result.

Claim 3 is rejected because it depends on a rejected claim.

Claim 4 recites the limitation "the home terminal" is indefinite, because this home terminal has not been mentioned before.

Claim Objections

3. Claim 2 is objected to because of the following informalities: "analyzes" should be corrected to analyzes. Appropriate correction is required.

Specification

4. The abstract of the disclosure is objected to because (paragraph 0052, line 4 recites 1A which should be 10A, in order to be consistent with the figure). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 are rejected under 35 U.S.C. 102 (e) as being unpatentable by Makinouchi et al (US Patent 7,277,115).

Regarding claim 1, Makinouchi discloses a communication terminal having a communication function (Fig. 3, el. 100 and Col. 10, lines 20-28) and installing a common function (Col. 2, lines 30-35; a visage transmitting function) to a function that an associated communication terminal installs (Col. 4, lines 45-59, Col. 6, lines 34-40 and Col. 35-42; the remote communication device able to perform the same function that the communication terminal performs) the communication terminal comprising:

a data generation unit (Fig. 2 and 5) which generates data to execute the function that the home terminal installs (Col. 3, lines 41-67 through Col. 4, lines 1-40) and data to execute the function that the associated communication terminal installs (Col. 8, lines 5-24 and 45-67 through Col. 9, lines 1-19) and

a transmission unit which transmits the data to execute the function that the associated communication terminal installs (Col. 4, lines 17-27, Col. 4, lines 50-67 and Col. 7, lines 34-40).

Regarding claim 2, Makinouchi discloses, the communication terminal according has a video telephone function (Col. 5, lines 59 and 63-65) the communication terminal further comprising;

an input data analysis unit which analyzes input data (Col. 4, lines 14-25; the character manager analysis the input command in order to provide the suitable output)

a data matching unit (Fig. 4, el. 32) which outputs data provided by matching the data of the home terminal and the data of the associated communication terminal based

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on the analysis result to the input data analysis unit (Col. 7, lines 56-67 through Col. 8, lines 1-3 and Col. 5, lines 16-24).

Regarding claim 3, Makinouchi discloses, the communication terminal comprising:

an input unit which inputs at least one data selected from among image data, voice data, and key input data to the input data as the input data (Col. 6, lines 12-21).

Regarding claim 4, Makinouchi discloses, a communication method of a communication terminal (Fig. 3, el. 100 and Col. 10, lines 20-28) installing a common function to a function (Col. 2, lines 30-35; a visage transmitting function) that an associated communication terminal installs (Col. 4, lines 45-59, Col. 6, lines 34-40 and Col. 35-42; the remote communication device able to perform the same function that the communication terminal performs) the communication method comprising the steps of:

generating data to execute the function that the home terminal installs (Col. 3, lines 41-67 through Col. 4, lines 1-40) and data to execute the function that the associated communication terminal installs (Col. 8, lines 5-24 and 45-67 through Col. 9, lines 1-19) and

transmitting the data to execute the function that the associated communication terminal installs (Col. 4, lines 17-27, Col. 4, lines 50-67 and Col. 7, lines 34-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614

/M. E./
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/Maria El zobi/
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